

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-16 remain pending, wherein claims 17-34 were previously withdrawn. By this communication, claims 13-16 are amended, and no claims are canceled or added.

Rejection Under 35 U.S.C. §112

Claims 16 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office asserts that the phrase "and the like" renders the claims indefinite. Applicants have amended claim 16 by deleting this phrase and respectfully submit that the claim scope remains unchanged. Withdrawal of the rejection to claim 16 under 35 U.S.C. §112 is respectfully requested.

Rejection Under 35 U.S.C. § 103

Claims 1-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Howard* (U.S. Patent No. 6,728,804) in view of *Van der Meulen* (U.S. Patent No. 6,906,617). Applicants respectfully traverse this rejection.

In regards to independent claim 1, the Office acknowledges that *Howard* does not disclose the power supply managing means feature (See Office Action at 12, pg. 6). However, the Office asserts that *Van der Meulen* discloses this feature. Applicants submit that *Van der Meulen* does not disclose a "power supply managing means that manages a state of power supply in the communication adapter apparatus" as recited in claim 1.

Van der Meulen discloses a home automation system including a variety of appliances and ancillary devices that facilitate the communication and processing of information and commands related to the appliances. *Van der Meulen* further discloses at least one appliance including a power monitor device having a current monitor for measuring the current being drawn by the appliance and having a communications device for communicating the measure of the current to a processing device. *Van der Meulen*, col. 3, lines 8-10 and 32-40. The current monitor determines the state of an appliance as one of four possible states: no current flow, minimal current flow, nominal current flow, and high current flow. *Van der Meulen*, col. 3, lines 55-60. By providing an indication of multiple power levels, appliances may be configured to draw a small but detectable amount of current when turned off and plugged into the monitor so that an "absent" state can be distinguished from an "off" state. *Van der Meulen*, col. 3, lines 60-64.

The Office appears to read the claimed "power supply managing means" on *Van der Meulen*'s "power monitor device." However, as discussed above, the power monitor device merely **monitors** the instantaneous power consumption of an appliance to determine the status of the appliance. In comparison to the power supply managing means of the claimed invention, *Van der Meulen*'s power monitor device does not reduce power consumption (i.e., "**manage power consumption**") in the power monitor device according to the management state (See specification, pg. 31, second paragraph). The term "manage" connotes active control over something, whereas the term "monitor" only implies passive observation. Therefore, *Van der Meulen* fails to disclose or suggest a "power supply managing means that **manages**

a state of power supply *in the communication adapter apparatus*" as recited in claim 1.

In regards to independent claim 12, the Office acknowledges that *Howard* does not disclose that "the CPU distinguishes an input/output system for the home appliance on the basis of voltage information supplied from the home appliance." However, the Office asserts that *Howard* suggests that one of ordinary skill in the art would recognize that different ways of identification may be used, and that though *Howard* teaches using address information, it would have been obvious to one of ordinary skill to use voltage information *to identify a device* (See Office Action at 12, pgs. 10-11). Applicants respectfully disagree.

Howard discloses a communications adapter for facilitating electronic communications with an electronic device. *Howard* further discloses:

Identification for the communications adapter 20 and the type of electronic device 42 are provided to the controller 32. The identification of the adapter 20 enables the controller 32 to send information or data to the adapter 20. If a pager or cellular network were being used with the embodiment, the identification might be a telephone number. If a computer network were being used, the identification might be an IP address, a machine name, or other address. Those skilled in the art will appreciate the type of identification that may be used with an adapter 20. The identification of the device 42 serves to enable the controller 32 to send appropriate computer program code to facilitate communication with the device 42. The computer program code that is sent to the adapter 20 from the controller 32 provides the functionality to communicate with, or more fully communicate with, the electronic device 42. Accordingly, to create such code one skilled in the art would need to know enough about the device 42 or type of device to develop useful program code.

Howard, col. 6, lines 29-48.

As discussed above, *Howard* merely discloses that those skilled in the art would appreciate the type of identification that may be used with an *adapter* (e.g., an

IP address, a machine name, or other address), and that one skilled in the art would need to know ***enough about the device (e.g., "appliance") or type of device*** to develop useful program code. Thus, *Howard* does not disclose that those skilled in the art would appreciate the different ways to identify a device (e.g., appliance), but rather the different ways that may be used to identify the adapter. Accordingly, it cannot be fairly concluded that *Howard* discloses that one skilled in the art would appreciate using voltage information to identify a device as *Howard* states that enough information about the device (e.g., appliance) or the type of device is needed. The Office does not establish any nexus between data, such as an address, and voltage that would lead a person of ordinary skill to substitute the latter for the former as a mechanism to identify a device. Further, the Office does not purport that *Van der Meulen* discloses that "the CPU distinguishes an input/output system for the home appliance on the basis of voltage information supplied from the home appliance."

In regards to independent claims 13-16, *Howard* discloses that the communications adapter may have a translator module that may be programmed to send commands to the device, to access data on the device, to receive commands from the device, ***to control the device***, and to translate message protocols to/from the device. *Howard*, col. 5, lines 14-28. Thus, *Howard* discloses a translator module for controlling the device rather than a storage having "plural pieces of driver software that directly controls hardware of the input/output interface for each corresponding input/output system" as recited in amended independent claims 13-16. Further, the Office does not purport that *Van der Meulen* discloses this aforementioned deficiency of *Howard*.

Therefore, *Howard* or *Van der Meulen*, alone or in combination, can not render independent claims 1 and 12-16 obvious to one skilled in the art. Claims 2-11 are patentable by virtue of their dependency from independent claim 1, and for the features recited therein. Thus, it is respectfully requested that the rejection to claims 1-16 be withdrawn.

Conclusion

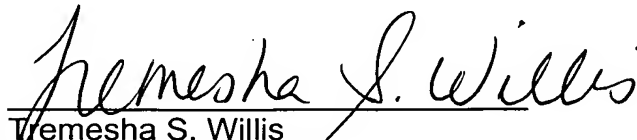
Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-16 are allowable, and that this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 20, 2008

By:


Tremesha S. Willis
Registration No. 61830

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620